

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADIDAS AMERICA, INC., and
ADIDAS AG,

Plaintiff,

-v-

THOM BROWNE, INC.,

Defendants.

21-cv-5615 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On October 21, 2022, plaintiffs adidas America, Inc. and adidas AG (collectively, "adidas") and defendant Thom Browne, Inc. ("Thom Browne") filed cross-motions for summary judgment. See ECF Nos. 88, 96. On November 22, 2022, adidas filed a motion to strike Thom Browne's reply statement of objections and responses to adidas's statement of undisputed material facts. See ECF No. 154 (the motion to strike); ECF Nos. 152-3 (the reply statement).

Upon due consideration, the Court hereby denies adidas's motion to strike. Additionally, the Court hereby denies Thom Browne's motion for summary judgment and grants that of adidas in part. The Court hereby enters summary judgment in favor of adidas on Thom Browne's fourteenth affirmative defense and on the portions of Thom Browne's first affirmative defense that assert acquiescence and estoppel. The Court denies summary judgment to


either party on the portion of Thom Browne's first affirmative defense that asserts laches. The Court will issue an opinion setting forth the reasons for these rulings by no later than December 16, 2022.

The Clerk is respectfully directed to close document numbers 88, 96, and 154 on the docket of this case.

SO ORDERED.

Dated: New York, NY

December 2, 2022


JED S. RAKOFF, U.S.D.J.